

CITY COUNCIL MEETING  
July 15, 1992

PUBLIC HEARING SET REGARDING APPEAL  
OF GT AUTO SALES REGARDING PUBLIC  
RIGHT-OF-WAY ~~ENCROACHMENT~~ VIOLATION

CC-16  
CC-53(b)

On motion of Mayor Pro Tempore Pennino, Snider second, the City Council set a public hearing at the regular meeting of August 19, 1992 regarding the appeal of GT Auto Sales, 821-B South Cherokee Lane, Lodi concerning a public right-of-way encroachment violation at that address (landscaping they placed in the public right-of-way).

DECLARATION OF MAILING

On July 17, 1992 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

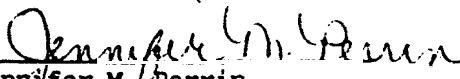
There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 17, 1992, at Lodi, California.

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Alice M. Reimche  
City Clerk

  
Jennifer M. Perrin  
Deputy City Clerk



# CITY OF LODI

CARNEGIE FORUM  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: August 19, 1992

Time: 7:30 p.m.

For information regarding this Public Hearing  
Please Contact:

Alice M. Reimche  
City Clerk  
Telephone: 333-6702

## NOTICE OF PUBLIC HEARING

August 19, 1992

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) Appeal of G. T. Auto Sales, 821-B South Cherokee Lane, Lodi regarding public right-of-way encroachment violation at 821 South Cherokee Lane, Lodi - landscaping within the public right-of-way (between the curb and sidewalk) - violation of Section 12.04 of the Lodi Municipal Code.

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:

Alice M. Reimche  
City Clerk

Dated: July 15, 1992

Approved as to form:

Bobby W. McNatt  
City Attorney

APPEAL OF G. T. AUTO SALES  
MAILING LIST  
EXHIBIT B

G. T. Auto Sales  
821-B South Cherokee Lane  
Lodi, CA 95240

Public Works Department

93 AUG 30 5:42 PM

821-B S. Cherokee Ave.

Room, CA 95240

339-1944

RECEIVED

July 13, 1991

12:21:13 PM '91

CITY CLERK  
CITY OF LOS ANGELES

Attn: City Council

Room, CA 95241

PO Box 3006

City of Los Angeles

Subject: Public Right-of-Way, located at 821-B S. Cherokee Ave.  
Landscaping in front of 93 AUG 30 5:42 PM

We have been at this location for 3 years, and all that was ever growing in front of our lot were weeds. Not once did the City come out to maintain this public right-of-way. Over the past 3 years we spent plenty of time and money keeping the weeds under control. Finally, we decided to have a professional come and landscape this area, not only to help enhance our business but to beautify Cherokee Lane also.

Not realizing we had to get a permit from the City, Glen Balzer came in on July 7th and told us we had to tear it all out within a week or the City would do it and charge us for it. The area had only been landscaped for a week. The City wasted no time in coming out then, but when it was weeds they made no attempt to do anything!

Right now we have very large landscaping rocks (2000 large for one person to pick up), shrubs and one tree. We thought this would be a low maintenance way of bringing some life to this area. We have had nothing but positive enforcement regarding the landscaping from everyone, even people we don't know. Please let us know what we can do to keep this area looking nice without costing us much more money. We realize the City probably has a Master Plan for Cherokee Lane but until then can we please keep this area like it is?

Mike and Audrey Oberle

Mike and Audrey Oberle

93 AUG 30 5:42 PM

OWNERS

cc: Jack Kondro

CITY COUNCIL

JAMES W. PINKERTON, Mayor  
PHILLIP A. PENNINO  
Mayor Pro Tem  
DAVID M. HENCHMAN  
JACK A. SEGLOCK  
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 22 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-0910  
(209) 334-5634  
FAX (209) 333-6795

THOMAS A. ALTESSON  
City Manager

ALICE M. KEMMERE  
City Clerk

BOB McNATT  
City Attorney

July 8, 1992

G.T. Auto Sales  
821 South Cherokee Lane  
Lodi, CA 95240

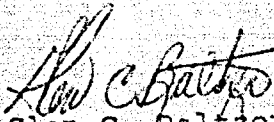
SUBJECT: Public Right-of-Way Encroachment Violation  
No. SSE 92-07  
821 South Cherokee Lane

The rock, shrubs, tree and decorative items placed within the public right-of-way (between the curb and sidewalk) at 821 South Cherokee Lane is a violation of Chapter 12.04 of the Lodi Municipal Code. A copy of portions of that Chapter is enclosed for your information.

We are therefore asking that the rock, shrubs, tree and decorative item be removed by July 20, 1992.

If the work is not accomplished by then, the City will be required to perform the work and will have to bill you for our costs.

Thank you for your cooperation. If you have any questions regarding this matter, feel free to contact me at 333-6740.

  
Glen C. Baltzer  
Street Superintendent

GB/sh

Enclosure

cc: City Attorney  
Public Works Director

0792SR.02

kind of tree proposed, will impede or inconvenience travel on a public highway or unduly disturb the right of way thereof, or in any way impede construction or maintenance of necessary facilities.

C. Trimming of trees will be permitted only when and in the manner authorized by a permit issued pursuant to this chapter in order that the shapeliness of the tree may be preserved.

D. An application for removal of a tree will be approved and a permit issued only when a necessity for removal exists, and adjacent property owners concur, or when deemed necessary by the director. When a tree is removed under authority of a permit, the entire stump shall be taken out for a distance of at least two feet below the ground surface unless otherwise specified in the permit, and the hole backfilled and tamped. All debris from trimming or removal shall be removed from the site and the right-of-way restored to its former condition. (Prior code § 9A-36)

#### 12.04.370 Hedges, fences or other structures.

A. No hedge, shrub or other planting whatever, fence or similar structure, or earth, gravel or any other material of any nature, except as provided in Section 12.04.380, shall be planted, erected, maintained or placed in a right-of-way without a permit.

B. No hedge, shrub or other planting whatever, fence or similar structure shall be maintained across any existing walkway in a sidewalk area or shoulder. The intent of this restriction is to keep free a walkway for pedestrians or other lawful

public travel without interference by or with vehicular travel. No encroachment of any nature will be permitted or maintained which impedes, obstructs or denies such pedestrian or other lawful travel within the limits of the right-of-way of a public street, or which impairs adequate sight distance for safe pedestrian or vehicular traffic.

C. The permittee or the owner of the adjacent property shall maintain the hedges, shrubs, walls, fences or similar structures erected for landscaping purposes in a neat and orderly condition at all times. If the encroachment is not maintained as specified in this chapter the director may direct the permittee or property owner to remove the encroachment and restore the right-of-way to its former condition, at the expense of the permittee or property owner. (Prior code § 9A-37)

#### 12.04.380 Lawns.

A. Other provisions of this chapter notwithstanding, it is lawful for a person to plant and maintain a lawn of any grass, of a type not prohibited by other law, within the right-of-way of a public street without a written permit. However, the lawn shall not extend into the traveled way of the public street nor into the drainage ditches, gutter or other drainage facilities.

B. The general public may not be denied the use of the planted area for pedestrian or other lawful travel. The city may use the planted area for any purpose whatever, and may issue a permit to any applicant to go on to perform the work or otherwise encroach pursuant to this

# LANDSCAPE CONSULTANTS

Design & Installation

11100 N. 1st St. # 11014

1020 S. School St. (207) 369-3875 Loc. CR. 95240

Fax (207)-1267

## INVOICE

To G.T. Auto - Auto Maintenance  
Cherokee Lane  
Loc. CA 95240

Date 1-26-92  
Job G.T. Auto

### Description:

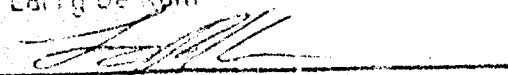
1. Remove existing weeds, clear debris from area to be landscaped
2. Add approx. 4 yards sandy loam for planting
3. Plant one pine tree and several asstd. plants
4. Add moss rock in planter area.
5. apply ronstar pre-emergent for weed control

TOTAL AMOUNT DUE UPON  
RECEIPT OF INVOICE:

-- \$ 825.00 --

SIGNED:

Larry De Kam





CITY COUNCIL

JAMES W. PINKERTON, Mayor  
PHILLIP A. PENNINO  
Mayor Pro Tempore  
DAVID M. HINCHMAN  
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THOMAS A. PETERSON  
City Manager  
ALICE M. REIMCHE  
City Clerk  
BOB MCNATT  
City Attorney

July 8, 1992

RECEIVED

JUL 8 1992



CITY OF LODI  
PUBLIC WORKS DEPARTMENT

G.T. Autc Sales  
821 South Cherokee Lane  
Lodi, CA 95240


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Street Superintendent

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Public Works Director

0792SR.02

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